IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 30TH JANUARY 2007 / 10TH MAGHA 1928

WP(C).No. 33724 of 2006(M)

PETITIONER:

A.KUNJU MUHAMMED, AGED 57 YEARS,
S/O.MUHAMMED HAJI, RESIDING AT ORCHID HOUSE,
P & T QUARTERS, NALLALAM P.O., KOZHIKODE.

BY ADV. SRI.V.V.SURENDRAN
SRI.P.A.HARISH

RESPONDENTS:
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1. THE REGIONAL TRANSPORT OFFICER,
KOZHIKODE.

2. THE DEPUTY TAHSILDAR,
REVENUE RECOVERY, KOZHIKODE.

BY GOVERNMENT PLEADER SRI. SOJAN JAMES

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 33724 OF 2006-M

JUDGMENT

The petitioner has approached this Court, praying, inter alia, for a direction to the 1st respondent to issue a certified copy of Ext.P3 order, for filing appeal against it. According to him, the said order was never served on him. Without serving the demand notice, revenue recovery notice Ext.P2 has been served on him. Hence this Writ Petition, challenging Ext.P2 and also praying for a direction to issue certified copy of Ext.P3. The petitioner submits, he got the copy of Ext.P3 from the office of the 1st respondent, after he was served with Ext.P3.

2. The learned Government Pleader produced the file, which would show that the petitioner has been served with a copy of Ext.P3. At any rate, the petitioner is having Ext.P3 with him. Therefore, he may invoke the appellate remedy against it. If an appeal is filed, the appellate authority shall not reject it for the reason that he has not produced the original or certified copy of the order impugned. If the petitioner furnishes security for the amount demanded in Ext.P2, the recovery proceedings pursuant to

Ext.P2 will remain in abeyance for a period of one month from today.

The Writ Petition is disposed of as above.

30th January, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/